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6 Attorneys for Plaintiff, Kayla Cashman, by and
 7 through her Guardian Ad Litem, Bernadette
 8 Hilgeman; and Stephen Cashman

FILED

08 MAR 20 AM 11:43

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CP

DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

11 KAYLA CASHMAN, BY AND THROUGH
 12 HER GUARDIAN AD LITEM BERNADETTE
 13 HILGEMAN; AND STEPHEN CASHMAN

14 PLAINTIFF(S),

15 V.

16 SAN DIEGO UNIFIED SCHOOL DISTRICT;
 17 JAMES GOOD, INDIVIDUALLY AND
 18 DOES 1 THROUGH 20

Case Number 08 CV 0519 BEN POR

COMPLAINT FOR PERSONAL INJURY

1. UNLAWFUL SEARCH AND SEIZURE
2. UNLAWFUL POLICIES, CUSTOMS OR HABITS
3. NEGLIGENCE
4. FALSE ARREST/ FALSE IMPRISONMENT
5. CIVIL RIGHTS VIOLATION
6. INTENTION INFILCTION OF EMOTIONAL DISTRESS

19 Judge:
 20 Dept:

21 ORIGINAL

24 COMES NOW plaintiffs, Kayla Cashman by and through her Guardian ad Litem
 25 Bernadette Hilgeman, and Stephen Cashman, individually and for causes of action against
 26 defendants and each of them, complains and alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiff, KAYLA CASHMAN, is a minor and resident of San Diego, California, and the accident complained herein occurred in the County of San Diego. Plaintiff is a minor having been born on July 11, 1991. Plaintiff alleges and affirms that a proper governmental claim was submitted to the San Diego Unified School District for the injuries alleged herein, and such claim was denied, in a letter dated September 24, 2007, and thereafter mailed by the District. Following the Dismissal of all charges in the criminal action, a supplemental claim was submitted to the District, which claim was summarily denied on March 19, 2008. The time for bringing this complaint is within the statutory timelines provided by law.

2. Plaintiff, Stephen Cashman, is a resident of the County of San Diego. Plaintiff alleges and affirms that a proper governmental claim was submitted to the San Diego Unified School District for the injuries alleged herein, and such claim was denied, in a letter dated September 24, 2007, and thereafter mailed by the District. The complaint brought herein is filed within the requisite statutory period for bringing such claims.

3. Defendant SAN DIEGO UNIFIED SCHOOL DISTRICT (hereinafter "District") at all times relevant to this complaint was and/or is a governmental agency and/or District and which is subject to the Government code. The District owns and operates Patrick Henry High School wherein the acts herein complained occurred on and after March 31, 2007.

4. Defendant JAMES GOOD (hereinafter "Good") at all times relevant to this complaint was and/or is a resident of San Diego, and further, during all relevant times to this complaint was acting outside the authority provided to him as a District, and whose actions were so reprehensible as to subject him to independent liability for the acts complained of herein.

5 Plaintiff is unaware of the true names and capacities of the defendants named as
DOES 1 through 50, and therefore sue these defendants as fictitious parties. Plaintiff will, upon
learning the true names and capacities of these DOE defendants, seek leave to amend the
complaint so that the true names and capacities of these individuals may be added to the
complaint. At this time, Plaintiff states on information and belief that each of the fictitiously
named defendants was at all pertinent times acting as the agent of the named defendants and one

1 another and are responsible in some manner for the events and happenings herein referred to and
 2 caused injuries and damages proximately thereby as hereinafter alleged.

3 **FACTUAL BACKGROUND**

4 6. On or about March 31, 2007, plaintiff was a student at Patrick Henry High School
 5 (hereinafter referred to as PHHS) which is part of the San Diego Unified School District.
 6 Plaintiff was a member of the Patrick Henry High School track team and was participating in the
 7 Elmer Runge Invitational track meet sponsored by PHHS. Prior to the meet, plaintiff and other
 8 PHHS track athletes were advised and requested to assist visiting team coaches, with
 9 transportation of equipment.

10 7. According to PHHS custom and practice, students were utilized to operate District
 11 owned golf and/or utility carts during the course of the track meet. District employees provided
 12 keys and authority to student's to operate the golf carts. On March 31, 2007, two (2) such
 13 students were selected, but the responsible teacher/coach never verified California Driver's
 14 license status or pre-existing disciplinary actions taken against either student. Neither student
 15 recall being told other kids could not drive the carts. The students with the keys to the carts were
 16 not monitored or supervised while the carts were used at the track meet.

17 8. Prior to 3:00 pm, on March 31, 2007, plaintiff, Kayla Cashman, saw students
 18 driving the golf carts and helping put away cones and other materials utilized during the course
 19 of the track meet. She subsequently only saw one cart being used, because one had ceased to
 20 operate.

21 9. At approximately, 3:00 pm March 31, 2007, Plaintiff, Kayla Cashman, was asked
 22 by one of the students driving the cart, if she wanted to drive, too which she responded yes.
 23 While watching an event, one of the visiting track coaches requested assistance with materials he
 24 needed taken to his car. Plaintiff agreed to assist, and she along with the other students took the
 25 coaches equipment to his car which was parked on an upper level on PHHS property.

26 10. While returning to the main field level, plaintiff lost control of the cart, and
 27 crashed into a cyclone fence causing herself injury, which included a broken ankle requiring
 28 internal fixation and multiple surgeries. As of the date of this filing plaintiff, Kayla Cashman,

1 continues to suffer pain and discomfort in her ankle, and continues to have hardware embedded
 2 in her ankle. Plaintiff never left school ground with the cart.

3 11. District personnel were aware of the accident and injuries on March 31, 2007.
 4 PHHS students were on Spring Break from April 2nd through and including April 6, 2007.
 5 Neither Plaintiff, Kayla Cashman, nor her parents were contacted regarding the cause of the
 6 accident during Spring Break.

7 12. Campus police officer, Jesus Montana, received formal notification of the
 8 accident on Sunday, April 2, 2007, via e-mail. On April 9, 2007, the students, including plaintiff
 9 returned to School. Plaintiff, Kayla Cashman, was removed from her fifth period class, and
 10 escorted by campus security assistant's to Mr. Montana's office. Prior to conducting
 11 interrogation, Mr. Montana was aware that a criminal offense had been committed, and that
 12 Plaintiff was the primary if not only alleged culprit. Officer Montana was unaware of the
 13 Constitutional requirement requiring a parent be present during an interrogation. Officer
 14 Montana was unaware of any District policy requiring a parent be present during an
 15 interrogation. Officer Montana conducted the interrogation with only he and plaintiff present.
 16 After the interrogation, Officer Montana arrested plaintiff for stealing the golf cart and
 17 vandalism. Officer Montana subsequently released Plaintiff to defendant Good, advising
 18 defendant Good of the arrest. Both officer Montana and defendant Good, repeatedly advised
 19 plaintiff that all charges and disciplinary action would go away if she and/or her father agreed to
 20 pay for the damage to the cart. Plaintiff refused.

21 13. Defendant Good thereafter contacted plaintiff, Stephen Cashman, and advised him
 22 that his daughter had been arrested, for felony theft and vandalism arising out of the golf cart
 23 incident, and further advised plaintiff Stephen Cashman that all charges would be dismissed and
 24 disciplinary action would stop, if Stephen Cashman agreed to pay for damage to the cart.

25 14. Plaintiffs' refused to pay for the golf cart repairs, and appealed the suspension.
 26 Based upon further investigation by the Defendant District, the Amended suspension form was to
 27 delete any reference to property theft. Despite these representations by the DISTRICT on March
 28 6, 2008, plaintiff, Kayla Cashman formally appeared for trial on felony counts of theft and

1 malicious vandalism. Despite the self – serving testimony of Officer Montana, the Court, per the
 2 Honorable, Judge Cynthia Bashant, granted defendants §1118 motion and dismissed all charges
 3 against plaintiff, Kayla Cashman after the prosecution rested its case in chief for lack of
 4 evidence.

5 **I.**

6 **FIRST CAUSE OF ACTION**

7 [42 U.S.C. §1983 Constitutional Violations—
 8 Unlawful Search and Seizure and Excessive Force]

9 15. Plaintiff, Kayla Cashman, by and through her Guardian ad Litem realleges and
 10 incorporates by reference each and every allegation contained in Paragraphs 1 through 14 above
 11 as though fully set forth herein.

12 16. As a result of the acts alleged above, particularly the unlawful detentions,
 13 unlawful arrest and unlawful seizures of Plaintiff as described above, Plaintiff was unlawfully
 14 seized by Defendant District, by virtue of the action of officer Montana and Good, without a
 15 warrant, probable cause or reasonable suspicion, and without conducting a proper investigation.
 16 Thus, Plaintiff suffered an unlawful seizure in violation of her constitutional rights as guaranteed
 17 by the Fourth Amendment to the United States Constitution. As a result, Plaintiff is entitled to
 18 damages pursuant to Title 42 U.S.C. § 1983, et seq. in an amount to be proven at trial.
 19

20 17. As a further result of the acts alleged above, defendant used unreasonable,
 21 unjustified threat of excessive force and coercion upon Plaintiff Kayla Cashman. This
 22 unreasonable and excessive use of force constituted an unlawful seizure, in violation of
 23 Plaintiff's constitutional rights as guaranteed by the Fourth Amendment to the United States
 24 Constitution. As a result, Plaintiff Kayla Cashman is entitled to damages pursuant to Title 42
 25 U.S.C. § 1983 in an amount to be proven at trial.
 26

1 18. As a further result of the acts alleged above, particularly the acts of filing false
 2 and/or inaccurate police reports which caused Plaintiff Kayla Cashman to be falsely charged with
 3 criminal violations, Plaintiff Kayla Cashman suffered an unlawful and/or malicious prosecution
 4 in violation of her right against unreasonable seizures as guaranteed by the Fourth Amendment to
 5 the U.S. Constitution. As a result, Plaintiff Kayla Cashman is entitled to damages pursuant to
 6 Title 42 U.S.C. section 183, et seq. in an amount to be proven in trial.
 7

8 19. In committing and witnessing the acts alleged above, defendants and each of them
 9 failed to prevent, stop and/or intervene in these unprovoked and unjustified acts of unlawful
 10 detention/arrest, excessive force and/or malicious prosecution against Plaintiff, and failed to
 11 protect Plaintiff from these constitutional violations by its employees and/or agents, thereby
 12 violating Plaintiffs' Fourth Amendment rights.
 13

14 20. As a proximate result of the acts alleged above, Plaintiff was injured in mind and
 15 body. Plaintiff suffered severe emotional distress from her unlawful seizures and the acts of
 16 threats by the officers. Plaintiff suffered additional emotional distress from her wrongful
 17 incarceration and her false/malicious prosecution. Plaintiff is therefore entitled to general and
 18 compensatory damages in an amount to be proven at trial.
 19

20 **SECOND CAUSE OF ACTION**
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22 [42 U.S.C. § Constitutional Violations via
 23 Unlawful Policies, Customs or Habits]
 24

25 21. Plaintiff, Kayla Cashman, by and through her Guardian ad Litem realleges and
 26 incorporates by reference each and every allegation contained in Paragraphs 1 through 14 above
 27 as though fully set forth herein.
 28

29 22. On information and belief Plaintiff Kayla Cashman alleges that defendant District
 30 individually, and through it's campus police, has unlawful policies, customs and habits of
 31

improper and inadequate hiring, training, retention, discipline and supervision of it's officers, proximately causing the constitutional deprivations, injuries and damages alleged in the First Cause of Action. Plaintiff alleges that the policies established by the DISTRICT violate Constitutional rights by failing to require a parent be present during interrogations, and as such the DISTRICT violates its fiduciary duty to act as *In loco parentis* and violates its obligations to act as *In loco parentis*. Plaintiff is further informed and believe that other citizens have been treated unlawfully and abused by officers, but the District, has a custom, policy or practice of failing to properly protect the rights of minor's by failing to contact a parent prior to interrogations, thus leading to the Constitutional violations against Plaintiffs as described above. As a result, Plaintiff is entitled to damages pursuant to Title 42 U.S.C. § 1983, in an amount to be proven at trial.

23. Further, on information and belief Plaintiff's allege that defendant District, has an unlawful policy, custom or habit of permitting or condoning unlawful seizures and detentions, by its campus police force,, and of permitting and condoning unlawful interrogations by its officers, which led to unlawful search and seizure. Defendant District has a further unlawful policy, custom and habit of inadequate training, supervision and discipline of its officers, including the deputies involved in this incident.

24. Specifically, the District refused and failed to investigate the complaint, of Plaintiffs' herein. Indeed, District refused to investigate Plaintiffs' complaint based solely upon the police report of the very officer that abused Plaintiff who was the subject of Plaintiffs' complaint and whose version of this incident Plaintiff vigorously disputed. In short, the District reached a conclusion that the officer & administration acted properly without an investigation, without interviewing several civilian witnesses and despite the fact that a Superior Court judge dismissed Plaintiff Kayla Cashman's criminal case as a result of her finding that Plaintiffs were

1 unlawfully seized by these deputies, in violation of their Fourth Amendment rights, and finding
 2 no credible evidence to support the charges and/or crimes.

3 25. These policies and failures constituted additional ratification of and acquiescence
 4 in acts of, false arrest, unlawful search and seizure and other improprieties by the District and its
 5 officers, which thereby encourages officers to continue to commit additional improprieties, then
 6 prepare false and inaccurate reports. These policies and failures were the moving force behind
 7 the injuries suffered by Plaintiff, constituted ratification by the District and also constituted
 8 deliberate indifference to the rights and safety of Plaintiff and other members of the public.

9 26. As a proximate result of the unlawful policies, customs and habits alleged above,
 10 Plaintiffs suffered the constitutional violations, injuries and damages alleged in the First Cause of
 11 Action and thus are entitled to general and compensatory damages against defendant SDUSD in
 12 an amount to be proven at trial.
 13

14 **STATE LAW CLAIMS**

15
 16 The following claims are brought under California law on behalf of both Plaintiffs.
 17

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 19 **THIRD CAUSE OF ACTION**
 20

21 [Negligence]

22 27. Plaintiff, Kayla Cashman, by and through her Guardian ad Litem realleges and
 23 incorporates by reference the allegations contained in paragraphs 1 through 14 above as though
 24 fully set forth herein.

25 28. By the acts alleged above, Defendant District was negligent and breached its duty
 26 of due care owed to Plaintiff, Kayla Cashman, thereby causing the injuries and severe emotional
 27 distress as described in the Factual Allegations and the First Cause of Action, particularly
 28

1 paragraphs 6 through 20 above. Plaintiffs are therefore entitled to general and compensatory
 2 damages in an amount to be proven at trial.

3 29. Defendant, DISTRICT was further negligent in permitting student's to drive and
 4 utilize the golf carts without supervisory control, monitoring and oversight.

5 30. Defendant DISTRICT's failure to control and/or monitor and/or supervise the
 6 operation of the carts led directly to Plaintiff, Kayla Cashman's operating the cart and suffering
 7 of physical injuries by way of the cart running into the fence. Said inaction and failures by the
 8 DISTRICT was the proximate cause of plaintiff's injuries arising from the collision with the
 9 fence and for which she has suffered injury and incurred expenses, physical deformity, pain and
 10 suffering and distress.

11 31. Further, Plaintiff is entitled to recover for the emotional distress she suffered as a
 12 result of the action of the District. Plaintiff is therefore entitled to recover general and
 13 compensatory damages for their emotional distress in an amount to be proven at trial.

14
 15
FOURTH CAUSE OF ACTION

16
 17 [False Arrest/False Imprisonment]

18 30. Plaintiff, Kayla Cashman, by and through her Guardian ad Litem realleges and
 19 incorporates by reference the allegations contained in paragraphs 1 through 29 above as though
 20 fully set forth herein.

21 31. By the acts alleged herein, particularly the act of unlawfully detaining, falsely
 22 arresting and/or falsely imprisoning Plaintiff, Kayla Cashman, without a warrant or probable
 23 cause, Plaintiff was falsely arrested and/or falsely imprisoned, entitling her to damages pursuant
 24 to California law.

25 32. As a result of these acts, Plaintiff suffered the injuries and damages described in
 26 the Factual Allegations and paragraphs 6 through 30 above and severe pain, suffering and/or
 27
 28

1 emotional distress, and legal fees and costs to defend herself in the criminal proceeding entitling
 2 her to damages in an amount to be proven at trial.

3 33. In committing the acts alleged above, the individually named defendants acted
 4 maliciously and/or oppressively and were guilty of a wanton and reckless disregard for the rights,
 5 feelings and safety of Plaintiffs and by reason thereof Plaintiffs are entitled to exemplary and
 6 punitive damages in an amount to be proven at trial.

7

8 **FIFTH CAUSE OF ACTION**

9 [Civil Code § 52.1 Civil Rights Violation]

10 34. Plaintiff, Kayla Cashman, by and through her Guardian ad Litem realleges and
 11 incorporates by reference the allegations contained in paragraphs 1 through 33 above as though
 12 fully set forth herein.

13 35. The acts alleged above, particularly the acts of unjustified criminal prosecution
 14 and unreasonable search and seizure, constituted an unlawful seizure, in violation of Plaintiff,
 15 Kayla Cashman's, rights guaranteed by the California Constitution (Article I, Section 13) and the
 16 United States Constitution, specifically the Fourth Amendment thereto. These acts were
 17 committed by threats, intimidation and/or coercion. Therefore, Plaintiff is entitled to damages
 18 pursuant to California Civil Code section 52.1(b).

19 36. As a result of these acts, Plaintiff suffered the injuries and damages described in
 20 the Factual Allegations and paragraphs 28 through 33 above and severe pain, suffering and
 21 emotional distress, entitling her to damages in an amount to be proven at trial.

22 37. In committing the acts alleged above, the individually named defendants acted
 23 maliciously and/or oppressively and were guilty of a wanton and reckless disregard for the rights,
 24 feelings and safety of Plaintiff and by reason thereof Plaintiff is entitled to exemplary and
 25 punitive damages in the amount to be proven at trial.

26

27 **SIXTH CAUSE OF ACTION**

28 [Intention Infliction of Emotional Distress]

38. Plaintiff, Stephen Cashman, realleges and incorporates by reference the allegations contained in paragraphs 1 through 14 above as though fully set forth herein.

39. In committing the acts hereinbefore described Defendant Good crossed the bounds of human decency by informing plaintiff, Stephen Cashman that his daughter had been arrested and expelled from school, unless and until either plaintiff agreed to pay for the damage caused to the cart which was the result of defendant's own acts and/or omissions. That at the time, Defendant Good made the statements he intended to provoke and did provoke an angry response from plaintiff, and to coerce and/or extort the money Good was demanding for the cart repair.

40. As a result of hearing the statements uttered by defendant Good, plaintiff Stephen Cashman had an immediate and lasting angry emotional response.

41. During all relevant times hereto defendant Good knew or should have known that his statements were likely to cause and did in fact cause an immediate and long lasting emotional response which was substantially caused by the actions of defendant Good.

42. In committing the acts alleged above, the individually named defendant acted maliciously and/or oppressively and were guilty of a wanton and reckless disregard for the rights, feelings and safety of Plaintiff Stephen Cashman and by reason thereof Plaintiffs are entitled to exemplary and punitive damages in the amount to be proven at trial.

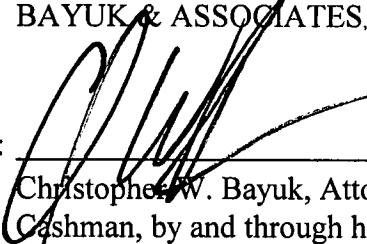
PRAAYER FOR RELIEF

WHEREFORE, Plaintiffs prays for judgment against the defendants, and each of them, as follows:

1. For general and compensatory damages against defendants and each of them in the amount to be proven at trial;
2. For exemplary and punitive damages against all defendants except defendant San Diego Unified School District, in an amount to be proven at trial;

1 3. For costs of suit herein, including reasonable attorney fees; and
2 4. For such other relief as the Court deems proper.

3 BAYUK & ASSOCIATES, Inc.
4

5 By: 

6 Christopher W. Bayuk, Attorneys for Kayla
7 Cashman, by and through her Guardian ad
8 Litem, Bernadette Hilgeman and Stephen
9 Cashman, individually.
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**UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

148977 - SH

**March 20, 2008
11:47:20**

Civ Fil Non-Pris
USAO #: 08CV0519
Judge...: ROGER T BENITEZ
Amount...: \$350.00 CK
Check#: BC1893

Total-> \$350.00

FROM: CASHMAN ET AL V. SDUSD ET AL

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED

I. (a) PLAINTIFFS

Kayla Cashman, by and through her Guardian ad litem Bernadette Hilgeman and Stephen Cashman

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Christopher W. Bayuk - Bayuk & Associates, Inc., 401 West "A" Street, Suite 1400, San Diego, CA 92101

DEFENDANTS

San Diego Unified School District, Jesus Montana; James Good

County of Residence of First Listed Defendant San Diego
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

DEPUTY

Attorneys (If Known)

'08 CV 0519 BEN POR

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input checked="" type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	PROPERTY RIGHTS	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 395 Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 515 Habeas Corpus:	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	

V. ORIGIN

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Sec. 1983

VI. CAUSE OF ACTION

Brief description of cause:
False arrest and prosecution of a minor - violation of civil rights

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3/20/08

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 148977 AMOUNT \$350

APPLYING IFP

JUDGE

MAG. JUDGE

SA 3/20/08

ORIGINAL

CR